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IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION



In re \$ Case No. 21-70009

\$ JOSIAH'S TRUCKING LLC \$ (Involuntary Proceeding)

Alleged Debtor. \$

ORDER FOR THE APPOINTMENT OF AN INTERIM TRUSTEE Resolving ECF No. 3

This matter came on for hearing on the 2nd day of February, 2021, upon *Emergency Motion for an Order Appointing an Interim Trustee under 11 U.S.C. § 701 and Granting Emergency Relief* (the "Motion") filed in this involuntary case by the Petitioning Creditors¹, requesting the appointment of an interim trustee pursuant to 11 U.S.C. § 303(g) and Rule 2001 of the Federal Rules of Bankruptcy Procedure. The Court having considered the Motion and any responses thereto, finds that it has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; that notice of the Motion and the opportunity for hearing on the Motion was appropriate under the particular circumstances; it is

ORDERED that the Motion is GRANTED, the appointment being necessary to protect and preserve property of the Alleged Debtor's estate and to prevent concealment, waste, loss or conversion, if any, of the assets of the estate by the Alleged Debtor. Additionally, there is an immediate need for an investigation of known and potential assets; it is further

ORDERED that the United States Trustee shall appoint an interim trustee under 11 U.S.C. § 701 to preserve property of the estate and to prevent loss to the estate and shall consider the election of the Petitioning Creditors and all parties-in-interest to name an Interim Trustee, pending a full and complete election or decision by creditors, if any should be involved; and it is

further The Petitioning Creditors filing the original Involuntary Petition are: Sonia Tellez, Carlos Tellez and Rosemary Rodriguez, Individually and as next friend of I. Tellez, a minor.

ORDERED that the duties of the interim trustee shall include the following, but not

limited to: (1) take possession of the property of the Alleged Debtor's estate and to operate

the Alleged Debtor's business including temporary and preliminary injunctive relief to

preserve the proceeds of the Debtor's insurance policies in the hands of any third party; (2)

collect and analyze the Alleged Debtor's financial records to identify all property lost

through fraudulent transfers and/or preferences, if any, and to bring the property back into

the estate for the benefit of creditors; and (3) taking of all other acts necessary to preserve

and protect the property of the estate, including taking possession of property as might be

necessary to prevent any further loss to the estate.

ORDERED that, pursuant to Rule 2001(b) of the Federal Rules of Bankruptcy Procedure,

United States Bankrup

the appointment of the interim trustee by the United States Trustee is contingent upon

the furnishing of a bond by the Petitioning Creditors in the amount of \$100.00

conditioned to indemnify the Alleged Debtor for costs, attorney's fees, expenses, and damages

allowable under 11 U.S.C. § 303(i).

Signed: February 02, 2021

Pulman, Cappuccio & Pullen, LLP

Attorneys & Counselors

Catherine Stone Curtis (956) 467-1900 x402 ccurtis@pulmanlaw.com 2161 NW Military Highway, Suite 400 San Antonio, Texas 78213 www.pulmanlaw.com Telephone: (210) 222-9494 Facsimile: (210) 892-1610 Office Locations:
San Antonio
Dallas / Fort Worth
(By Appointment Only)
McAllen

February 5, 2021

VIA HAND DELIVERY VIA COURIER SERVICE
VIA LONE STAR OVERNIGHT
VIA CERTIFIED MAIL, RRR

Josiah's Trucking, LLC Attn: David Vasquez, Registered Agent 7612 Petirrojo Street Edinburg, Texas 78542

Re: Bankruptcy Case No. 21-70009; In re Josiah's Trucking, LLC, Alleged Debtor; <u>IMMMEDIATE ATTENTION REQUIRED</u>

Dear Mr. Vasquez:

I am the interim trustee appointed in the involuntary bankruptcy proceeding filed against Josiah's Trucking, LLC, of which you are the managing member and registered agent. A copy of the bankruptcy court's order appointing an interim trustee in the case and the United States Trustee's Notice of my appointment are attached for your reference.

As trustee, I write today to: take possession of the property belonging to Josiah's Trucking, LLC; collect and analyze the financial records of Josiah's Trucking LLC; take all acts necessary to preserve and protect property of the estate, and all other acts authorized by the court's order and Title 11 of the Untied States Code (the "Bankruptcy Code"). Accordingly, I demand immediate turnover of:

- (1) The location, access/gate code information, keys, titles, and all other identifying information for all vehicles, equipment, office furniture, or any other personal property or assets belonging to Josiah's Trucking, LLC, no later than 5:00 p.m. on Monday, February 8, 2021. Regarding any vehicles or other equipment in particular, please provide the physical location and access information and provide the keys to my office location, which is provided below.
- (2) The QuickBooks (or similar bookkeeping software, if used in the past two (2) calendar or fiscal years of the company) extract file for 2019, 2020, and 2021, including user names

ExhCB3 26 70009 Document 26-1 Filed in TXSB on 02/11/21 Page 4 of 16

Page 2 of 2 Letter to David Vasquez February 5, 2021

and passwords, delivered via DropBox or similar to <u>ccurtis@pulmanlaw.com</u>, <u>no later</u> than 5:00 p.m. on Monday, February 8, 2021.

- (3) The last two (2) years of complete bank statements, from including complete account numbers on the statements, for any financial account to which Josiah's Trucking, LLC or you, on behalf of Josiah's Trucking, LLC, has signatory authority, delivered via Drop Box or similar software or via email to ccurtis@pulmanlaw.com, or a physical copy of said bank statements delivered to my physical office address no later than 5:00 p.m. on Monday, February 8, 2021.
- (4) The last two (2) years of filed tax returns for Josiah's Trucking, LLC, including all depreciation or other attached schedules, delivered via Drop Box or similar software or via email to ccurtis@pulmanlaw.com, or a physical copy of said bank statements delivered to my physical office address no later than 5:00 p.m. on Monday, February 8, 2021.
- (5) The and 2019 and 2020 general ledger, end of year balance sheet, end of year profit and loss statement, delivered via Drop Box or similar software or via email to ccurtis@pulmanlaw.com, or a physical copy of said bank statements delivered to my physical office address no later than 5:00 p.m. on Monday, February 8, 2021.
- (6) Copies of all insurance policies including riders, delivered via Drop Box or similar software or via email to ccurtis@pulmanlaw.com, or a physical copy of said bank statements delivered to my physical office address no later than 5:00 p.m. on Monday, February 8, 2021.

My physical office address is:

Pulman, Cappuccio & Pullen LLP 6316 N. 10th St. Bldg. A, Ste. 102 McAllen, Texas 78504.

Please call 956-467-1900 ext. 405 upon your arrival.

Thank you for your prompt cooperation.

Sincerely,

Catherine Stone Curtis

CSC Enclosures

cc: Mr. Simon Meyer, via email simon.meyer@lockelord.com

{00517056}

956-330-6372 12 Petimoso St. 12 Petimoso St. 12 Petimoso St. 13 8 921 14 Lard 150.8 FO.B.

Exhibit 2 70009 Document 26-1 Filed in TXSB on 02/11/21 Page 6 of 16



United States Postal Service Sender: Please print your name, address, and ZIP+4° in this box°

Catherine S. Curtis, Ch 7 Trustee. Pulman, Cappuccio & Pullen, LLP P.O. Box 720788 McAllen, TX 78504

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SENDER: COMPLETE THIS SECTION Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. Article Addressed to: Uasians Trucking, LLC Attn. David Vasauez; Registered April 76/2 Petimojo Street Edinburg, TX 78549	COMPLETE THIS SECTION OF A. Signature X. J.M. A. B. Received by (Printed Name)	☐ Agent ☐ Addressee C. Date of Delivery 2-8-2
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Exhibit 2 70009 Document 26-1 Filed in TXSB on 02/11/21 Page 7 of 16

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WWW.LSO.COM Questions? Call 800-800-8984

Airbill No. LSO0AZGC

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ILLEGIBLE HANDWRITING ON AIRBILL MAY DELAY TRANSIT TIMES OR RESULT IN NON-DELIVERY, LIMIT OF LIABILITY: We are not responsible for claims in excess of \$100 for any reason unless you: 1) declare a greater value (not to exceed \$25,000); 2) pay an additional fee; 3) and document your actual loss in a timely manner. We will not pay any claim in excess of the actual loss. We are not liable for any special or consequential damages. If you ask us to deliver a package without obtaining a delivery signature, you release us of all liability for claims resulting from such service. "Signature Required" service is only available when printing a label online at LSO.com, NO DELIVERY SIGNATURE WILL BE OBTAINED FOR LSO EARLY OVERNIGHT SERVICE. Packaging provided by LSO is for EXPRESS USE ONLY — NEVER TO BE USED FOR LSO GROUND Service. OVERSIZE RATES MAY APPLY. DELIVERY COMMITMENTS MAY VARY. ADDITIONAL FEES MAY APPLY. See LSO Service Guide for further details.

PULMAN, CAPPUCCIO & PULLEN, LLP

ATTORNEYS & COUNSELORS

CATHERINE STONE CURTIS (956) 467-1900 X402 CCURTIS@PULMANLAW.COM 2161 NW MILITARY HIGHWAY, SUITE 400 SAN ANTONIO, TEXAS 78213 WWW.PULMANLAW.COM TELEPHONE: (210) 222-9494 FACSIMILE: (210) 892-1610 OFFICE LOCATIONS:
SAN ANTONIO
DALLAS / FORT WORTH
(BY APPOINTMENT ONLY)
MCALLEN

February 9, 2021

VIA LONE STAR OVERNIGHT VIA CERTIFIED MAIL, RRR VIA FIRST CLASS U.S. MAIL

Josiah's Trucking, LLC Attn: David Vasquez, Registered Agent 7612 Petirrojo Street Edinburg, Texas 78542

Re: Bankruptcy Case No. 21-70009; In re Josiah's Trucking, LLC, Alleged Debtor; <u>IMMMEDIATE ATTENTION REQUIRED</u>

Dear Mr. Vasquez:

I am the interim trustee appointed in the involuntary bankruptcy proceeding filed against Josiah's Trucking, LLC (the "Alleged Debtor"), of which you are the managing member and registered agent. I sent you the enclosed correspondence on February 5, 2021, requesting turnover of the Alleged Debtor's assets. A copy of the letter was re-delivered to you by courier on Monday, February 8, 2021. To date, you have not responded to the letter or turned over any records or assets.

I again demand turnover of the Alleged Debtor's assets and financial records as stated in the enclosed letter. If you do not provide these documents by 5:00 p.m. on Thursday, February 11, 2021, I will file appropriate pleadings with the United States Bankruptcy Court for the Southern District of Texas, McAllen Division, to compel your compliance, and may request attorney's fees and expenses.

I am sending this letter directly to you because it is my understanding that you are not represented by an attorney. If you have questions about what your rights are, you should consult with an attorney. Neither me, my staff, nor any professional employed on my behalf can provide you with legal advice.

Exh 25 70009 Document 26-1 Filed in TXSB on 02/11/21 Page 9 of 16

Page 2 of 2 Letter to David Vasquez February 9, 2021

Thank you for your prompt cooperation.

Sincerely,

Catherine Stone Curtis

CSC/

Enclosures

cc: Mr. Simon Mayer, via email simon.mayer@lockelord.com

Pulman, Cappuccio & Pullen, LLP

Attorneys & Counselors

Catherine Stone Curtis (956) 467-1900 x402 ccurtis@pulmanlaw.com 2161 NW Military Highway, Suite 400 San Antonio, Texas 78213 www.pulmanlaw.com Telephone: (210) 222-9494 Facsimile: (210) 892-1610 Office Locations:
San Antonio
Dallas / Fort Worth
(By Appointment Only)
McAllen

February 5, 2021

VIA HAND DELIVERY VIA COURIER SERVICE
VIA LONE STAR OVERNIGHT
VIA CERTIFIED MAIL, RRR

Josiah's Trucking, LLC Attn: David Vasquez, Registered Agent 7612 Petirrojo Street Edinburg, Texas 78542

Re: Bankruptcy Case No. 21-70009; In re Josiah's Trucking, LLC, Alleged Debtor; IMMMEDIATE ATTENTION REQUIRED

Dear Mr. Vasquez:

I am the interim trustee appointed in the involuntary bankruptcy proceeding filed against Josiah's Trucking, LLC, of which you are the managing member and registered agent. A copy of the bankruptcy court's order appointing an interim trustee in the case and the United States Trustee's Notice of my appointment are attached for your reference.

As trustee, I write today to: take possession of the property belonging to Josiah's Trucking, LLC; collect and analyze the financial records of Josiah's Trucking LLC; take all acts necessary to preserve and protect property of the estate, and all other acts authorized by the court's order and Title 11 of the Untied States Code (the "Bankruptcy Code"). Accordingly, I demand immediate turnover of:

- (1) The location, access/gate code information, keys, titles, and all other identifying information for all vehicles, equipment, office furniture, or any other personal property or assets belonging to Josiah's Trucking, LLC, no later than 5:00 p.m. on Monday, February 8, 2021. Regarding any vehicles or other equipment in particular, please provide the physical location and access information and provide the keys to my office location, which is provided below.
- (2) The QuickBooks (or similar bookkeeping software, if used in the past two (2) calendar or fiscal years of the company) extract file for 2019, 2020, and 2021, including user names

Page 2 of 2 Letter to David Vasquez February 5, 2021

and passwords, delivered via DropBox or similar to <u>ccurtis@pulmanlaw.com</u>, <u>no later</u> than 5:00 p.m. on Monday, February 8, 2021.

- (3) The last two (2) years of complete bank statements, from including complete account numbers on the statements, for any financial account to which Josiah's Trucking, LLC or you, on behalf of Josiah's Trucking, LLC, has signatory authority, delivered via Drop Box or similar software or via email to ccurtis@pulmanlaw.com, or a physical copy of said bank statements delivered to my physical office address no later than 5:00 p.m. on Monday, February 8, 2021.
- (4) The last two (2) years of filed tax returns for Josiah's Trucking, LLC, including all depreciation or other attached schedules, delivered via Drop Box or similar software or via email to ccurtis@pulmanlaw.com, or a physical copy of said bank statements delivered to my physical office address no later than 5:00 p.m. on Monday, February 8, 2021.
- (5) The and 2019 and 2020 general ledger, end of year balance sheet, end of year profit and loss statement, delivered via Drop Box or similar software or via email to ccurtis@pulmanlaw.com, or a physical copy of said bank statements delivered to my physical office address no later than 5:00 p.m. on Monday, February 8, 2021.
- (6) Copies of all insurance policies including riders, delivered via Drop Box or similar software or via email to ccurtis@pulmanlaw.com, or a physical copy of said bank statements delivered to my physical office address no later than 5:00 p.m. on Monday, February 8, 2021.

My physical office address is:

Pulman, Cappuccio & Pullen LLP 6316 N. 10th St. Bldg. A, Ste. 102 McAllen, Texas 78504.

Please call 956-467-1900 ext. 405 upon your arrival.

Thank you for your prompt cooperation.

Sincerely,

Catherine Stone Curtis

CSC Enclosures

cc: Mr. Simon Meyer, via email simon.meyer@lockelord.com

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IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION

ENTERED 02/02/2021

In re	§	Case No. 21-70009
	§	
JOSIAH'S TRUCKING LLC	§	(Involuntary Proceeding)
	§	
Alleged Debtor.	§	

ORDER FOR THE APPOINTMENT OF AN INTERIM TRUSTEE Resolving ECF No. 3

This matter came on for hearing on the 2nd day of February, 2021, upon *Emergency Motion for an Order Appointing an Interim Trustee under 11 U.S.C. § 701 and Granting Emergency Relief* (the "Motion") filed in this involuntary case by the Petitioning Creditors¹, requesting the appointment of an interim trustee pursuant to 11 U.S.C. § 303(g) and Rule 2001 of the Federal Rules of Bankruptcy Procedure. The Court having considered the Motion and any responses thereto, finds that it has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; that notice of the Motion and the opportunity for hearing on the Motion was appropriate under the particular circumstances; it is

ORDERED that the Motion is GRANTED, the appointment being necessary to protect and preserve property of the Alleged Debtor's estate and to prevent concealment, waste, loss or conversion, if any, of the assets of the estate by the Alleged Debtor. Additionally, there is an immediate need for an investigation of known and potential assets; it is further

ORDERED that the United States Trustee shall appoint an interim trustee under 11 U.S.C. § 701 to preserve property of the estate and to prevent loss to the estate and shall consider the election of the Petitioning Creditors and all parties-in-interest to name an Interim Trustee, pending a full and complete election or decision by creditors, if any should be involved; and it is

further The Petitioning Creditors filing the original Involuntary Petition are: Sonia Tellez, Carlos Tellez and Rosemary Rodriguez, Individually and as next friend of I. Tellez, a minor.

ORDERED that the duties of the interim trustee shall include the following, but not limited to: (1) take possession of the property of the Alleged Debtor's estate and to operate the Alleged Debtor's business including temporary and preliminary injunctive relief to preserve the proceeds of the Debtor's insurance policies in the hands of any third party; (2) collect and analyze the Alleged Debtor's financial records to identify all property lost through fraudulent transfers and/or preferences, if any, and to bring the property back into the estate for the benefit of creditors; and (3) taking of all other acts necessary to preserve and protect the property of the estate, including taking possession of property as might be necessary to prevent any further loss to the estate.

ORDERED that, pursuant to Rule 2001(b) of the Federal Rules of Bankruptcy Procedure, the appointment of the interim trustee by the United States Trustee is contingent upon the furnishing of a bond by the Petitioning Creditors in the amount of \$100.00 conditioned to indemnify the Alleged Debtor for costs, attorney's fees, expenses, and damages allowable under 11 U.S.C. § 303(i).

Signed: February 02, 2021

United States Bankruptcy Judge

Exhibitation 21-70009 Document 26-1 Filed in TXSB on 02/11/21 Page 14 of 16 case 21-70009 Document 18 Filed in TXSB on 02/03/21 Page 1 of 1

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE UNITED STATES TRUSTEE
KEVIN M. EPSTEIN
UNITED STATES TRUSTEE
REGION 7, SOUTHERN AND WESTERN DISTRICTS OF TEXAS
ALICIA L. BARCOMB
TRIAL ATTORNEY
515 Rusk St., Suite 3516
Houston, Texas 77002
Telephone: (713) 718-4650
Fax: (713) 718-4670
Alicia.mccullar@usdoj.gov

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION

IN RE:	§	
	§	CASE NO. 21-70009
JOSIAH'S TRUCKING, LLC,	§	
	§	CHAPTER 7
	§	
ALLEGED DEBTOR.	§	

NOTICE OF APPOINTMENT OF INTERIM TRUSTEE AND FIXING OF INTERIM TRUSTEE BOND

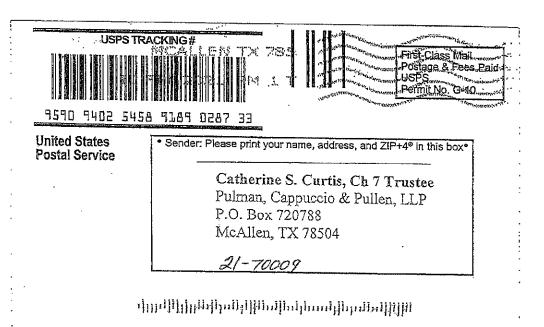
Pursuant to 11 U.S.C. §§ 701(a) and 303(g), Catherine Curtis is appointed interim trustee in the above styled involuntary case pursuant to the Order for the Appointment of an Interim Trustee (Interim Trustee Order) (ECF # 15) entered on February 2, 2021. The interim trustee shall comply with the duties specified in the Interim Trustee Order. Pursuant to Fed. R. Bankr. P. 2008, the interim trustee will be deemed to have accepted this appointment unless it is rejected within seven days of receipt of this notice. The bond for this case will be included under the trustee's existing blanket bond.

RESPECTFULLY SUBMITTED, KEVIN M. EPSTEIN UNITED STATES TRUSTEE

DATED: February 3, 2021

/s/ Alicia L. Barcomb
Alicia L. Barcomb
Texas Bar No. 24106276
Trial Attorney
United States Department of Justice
Office of the United States Trustee
515 Rusk Street, Suite 3516
Houston, Texas 77002
(713) 718-4650
Alicia.mccullar@usdoj.gov

Exhibit 2 170009 Document 26-1 Filed in TXSB on 02/11/21 Page 15 of 16



SENDER: COMPLETE THIS SECTION Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. Article Addressed to: Colans Trucking, LLC Attn: David Vasquez 7612 Petirnojo Street Edinburg, TX 78542	A. Signature X. Hull, M. B. Received by (Printed Name) D. Is delivery address different from If YES, enter delivery address.	Agent Addressee C. Date of pelivery C. Date of Pelivery Addressee
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Exhibit 2170009 Document 26-1. Filed in TXSB on 02/11/21 Page 16 of 16 Questions? Call 800-800-8984

Airbill No. 50132850

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LIMIT OF LIABILITY: We are not responsible for claims in excess of \$100 for any reason unless you: 1) declare a greater value (not to exceed \$25,000); 2) pay an additional fee; 3) and document your actual loss in a timely manner. We will not pay any claim in excess of the actual loss. We are not liable for any special or consequential damages. Additional limitations of liability are contained in our current Service Guide. If you ask us to deliver a package without obtaining a delivery signature, you release us of all liability for claims resulting from such service. NO DELIVERY SIGNATURE WILL BE OBTAINED FOR LSO EARLY OVERNIGHT SERVICE. PACKAGING PROVIDED BY LSO IS NOT INTENDED FOR USE ON LSO GROUND SERVICE OVERSIZE RATES MAY APPLY. DELIVERY COMMITMENTS MAY VARY. ADDITIONAL FEES MAY APPLY.